

CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 05/18/04

AGENDA ITEM 4

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Detachment of Oliver West Property from Alameda County Water District Jurisdiction

RECOMMENDATION:

It is recommended that the City Council introduce the attached ordinance revising the Hayward Municipal Code to add the Oliver West property to the Wells Standard Ordinance; and, approve the attached resolution as follows:

1. Authorizing the City Manager to file an application with the Alameda County Local Agency Formation Commission (LAFCO) requesting detachment of the property from the Alameda County Water District jurisdiction; and,
2. Authorizing the City Manager to execute an agreement with the Alameda County Water District (ACWD) regarding responsibilities for the collection of well charges.

DISCUSSION:


The residents of Eden Shores receive water from the City, but their properties are currently within the service area for the ACWD. As authorized by State law, they will be billed for the two supplemental property taxes ACWD is entitled to collect. On a property valued at \$700,000 these taxes would be approximately \$100.00 per year. After detachment, these taxes will no longer be applicable.

In 1999, the parcels comprising the Oliver East property were annexed into the City of Hayward from Alameda County. Those parcels had also been under the jurisdiction of the ACWD; and as part of the annexation process, they were detached from the ACWD service area. Since the "Oliver West" property was not part of the annexation proceedings, these parcels were not detached from ACWD.

When the Oliver East property was annexed, the City modified the Well Standards Ordinance and executed an agreement agreeing that the City would impose and collect certain fees and charges pertaining to new wells on behalf of ACWD. City staff and ACWD have again reviewed this policy and are proposing that ACWD be responsible for imposing and collecting these fees and charges since they are responsible for approving the construction of wells and monitoring the amount of water pumped. To implement these changes, the City's Well Standards Ordinance must be changed to reflect the changed service area (to include Oliver West) and to transfer the responsibility to impose and collect fees and charges from the City to ACWD. Currently the only well in the area was installed to provide water for the buffer lake. These proceedings would not prevent any of the homeowners, or the Homeowners Association, from installing a well. If they

wanted to install a well, all arrangements would be made directly with the ACWD, who would also collect the appropriate fees.

Prepared by:



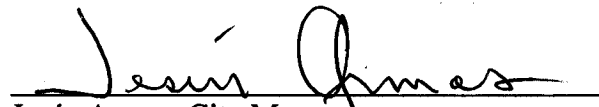
Andrew S. Gaber, P.E.
Development Review Engineer

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

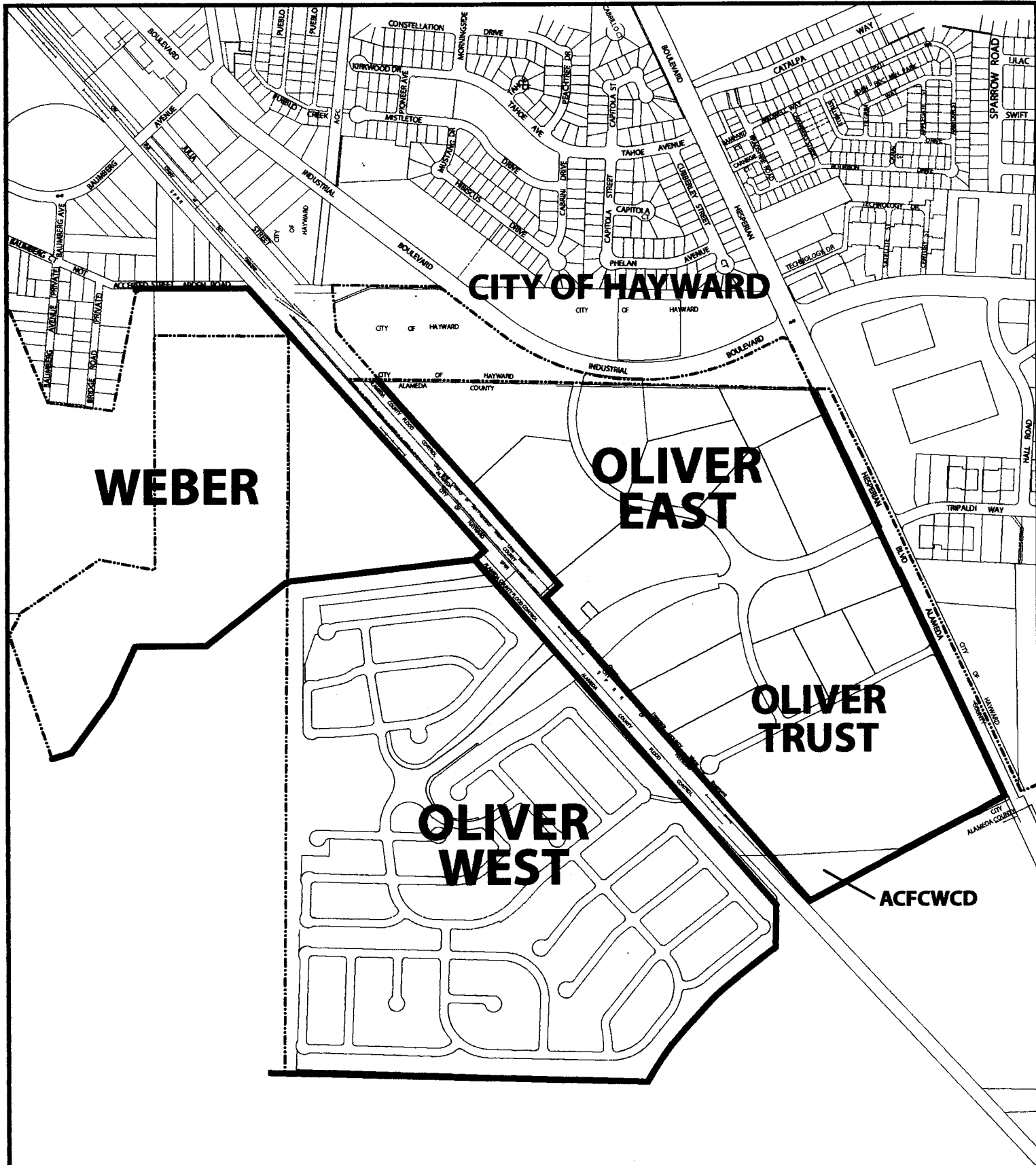
Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A: Map of Area
 Draft Ordinance
 Draft Resolution

5/13/04



Area Map
Detachment of Area from
Alameda County Water District



DRAFT

ORDINANCE NO. _____

mm
5/4/04

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4 OF
THE HAYWARD MUNICIPAL CODE RELATING TO WELL
STANDARDS

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD
DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 5-4.53 of Chapter 5, Article 4 of the Hayward Municipal Code is hereby amended to read in full as follows:

"SEC. 5.4.53 WELL WATER REPLENISHMENT CHARGES APPLICABLE TO THE AREAS DETACHED IN 2000 AND 2004. Pursuant to the conditions imposed by LAFCO's resolution 99-08 approving the detachment of the "Oliver East" property (hereafter described in Appendix "A") and pursuant to the conditions imposed by LAFCO's resolution__ and after the respective detachments of the Oliver West and Eden Shores properties from the Alameda County Water District ("District"), the City of Hayward shall impose the following charges for the benefit of the District upon any owner of land within the detached areas whenever a well is constructed or operated by any person or organization except an agency of the United States, the State of California, a municipal corporation, or other local government agency:

- (a) Well Connection Fee. At the time a well is constructed or placed in operation, a Well Connection Fee equivalent to the taxes that would have been received by the District from the parcel of land on which said well is constructed or operated if the land had not been detached. The Well Connection Fee may be imposed for the years since the detachment up to a maximum of ten (10) years.
- (b) Facilities Acreage Charge. A Facilities Acreage Charge based on the area served by the well in an amount equivalent to that which would be applicable to a similar well located within the District.
- (c) Well User's Charge. The City shall continue to impose, subject to compliance with applicable provisions of law, a Well User's Charge equivalent to both of the following:
 - (i) Any replenishment assessment (commonly known as a pump tax) in the same amount as the assessment imposed by the District on wells located within the District's boundaries at the rate for uses other than municipal recreation or agriculture. This charge shall apply to all wells, including those constructed and operated by a governmental agency and shall continue as long as such wells are being operated: and

- (ii) The District property tax which would have been applicable to such parcel of land on which the operating well is located is such land had remained within the District's jurisdiction. This charge shall continue until such time as the well is abandoned or sealed.
- (d) The City may agree to have the Alameda County Water District collect the fees and charges imposed under this Section."

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 2004, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 2004, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-

Introduced by Council Member _____

WHL
9/13/04

RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE AN AGREEMENT WITH THE ALAMEDA
COUNTY WATER DISTRICT TO DETACH OLIVER WEST
PROPERTY FROM THE ALAMEDA COUNTY WATER
DISTRICT AND FILE AN APPLICATION WITH THE
ALAMEDA COUNTY LOCAL AGENCY FORMATION
COMMISSION REQUESTING DETACHMENT

BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to execute an agreement with the Alameda County Water District transferring the responsibility for collection of well charges to the Alameda County Water District.

BE IT FURTHER RESOLVED that the City Manger is authorized to file an application with the Alameda County Local Agency Formation Commission (LAFCO) requesting detachment of the property from the Alameda County Water District jurisdiction.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this resolution to LAFCO.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward